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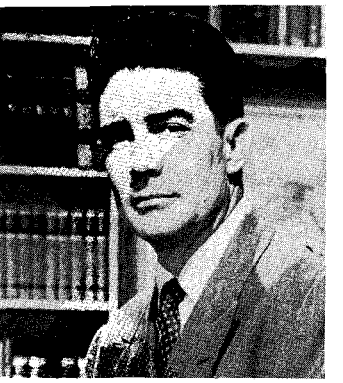

DAN SMOOT

GENOCIDE

On May 12, 1966, Arthur J. Goldberg, U. S. Ambassador to the UN, told a meeting of the American Jewish Committee in Washington that the Johnson administration will press the U. S. Senate for immediate ratification of the Genocide Convention and three other UN treaties.(1)

The sleeping dogs of the communist-socialist revolution never really sleep. They just lie in ambush ready to pounce when they think they see an advantage; taking small bites now and then if they cannot get what they want all at once; but never discarding their ultimate objective: world-wide socialist dictatorship. The Genocide Convention has been before the Senate, awaiting ratification, for 17 years.

Genocide means killing a tribe or race of people. *Convention* means an international agreement, or treaty.

The UN General Assembly passed the Genocide Convention on December 9, 1948. The Truman State Department approved and signed the document; but that did not constitute U.S. ratification. Under our Constitution, the Senate must ratify before the United States formally becomes a "party" to a treaty, bound to uphold its purposes and enforce its provisions upon the people.

Under false, but prevailing, constitutional interpretation, a treaty to which we are a party becomes supreme law of our land, overriding (where there is conflict) local, state, and federal laws; all state constitutions; and the federal Constitution.

Truman submitted the Genocide Convention to the Senate for ratification in 1949, but public opposition was strong, and the Senate Foreign Relations Committee took no action.

After Eisenhower's election had crippled the anti-communist, anti-socialist movement in this country, internationalists renewed their efforts for Senate ratification of the Genocide Convention. Again, the public emphatically said *no*; and, in 1953, Eisenhower's Secretary of State, John Foster Dulles, said the Genocide Convention "could better be reconsidered at a later date."(1)

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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For 13 more years, the Convention lay dormant in the Senate Foreign Relations Committee. President Kennedy asked the Senate to ratify three UN Conventions on "human rights." Acceptance of these would have been steppingstones toward acceptance of the Genocide Convention, which is the one internationalists want above all others. The public was not yet fully conditioned. The Senate Foreign Relations Committee refused to act on the UN "human rights" treaties Kennedy wanted; and Kennedy did not even ask the Committee to reconsider Genocide.

Now, apparently, internationalist stage managers think the time is ripe. It is significant that Chief Justice Earl Warren introduced Ambassador Goldberg for the May 13, 1966, speech in which Goldberg said the Johnson administration would press for immediate Senate ratification of the Genocide Convention. If the Convention is ratified, its destructive effects on the American constitutional system will doubtless be approved by the Supreme Court.

Here are the main provisions of the Genocide Convention:

"ARTICLE II. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group.

"ARTICLE III. The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide;

"(e) Complicity in genocide.

"ARTICLE IV. Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

"ARTICLE V. The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

"ARTICLE VI. Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

"ARTICLE VII. . . . The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force. . . .

"ARTICLE IX. Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."[2]

Think of what could happen if the Senate should ratify the Genocide Convention, thus making it "supreme law" in the United States.

Suppose a Negro (or any person who could be identified as belonging to a "national, ethnical, racial, or religious group") is duly tried, convicted, sentenced, and executed for committing a heinous crime in some state where there is capital punishment. Obviously, this killing of a member of a racial group is an international crime, as defined in provision (a) of Article II of the Geno-

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cide Convention. Article IV of the Convention says that public officials can be prosecuted for genocide. Article III says that complicity in genocide is punishable. Consequently, every law enforcement official who had anything to do with the arrest and detention of the executed criminal; every person who gave information that helped police find and arrest the criminal; every witness against him; the judge and jury of the trial court that found him guilty; the prosecuting attorney and his assistants; all participating members of any appellate court that denied the criminal's appeal or affirmed his conviction; the state governor who signed the order of execution; persons who participated in the official act of execution — all could be prosecuted for the international crime of genocide.

If Congress passed laws providing for such prosecution, the Supreme Court would doubtless uphold the laws as deriving their authority from a treaty obligation of the United States. If Congress did not pass laws providing for the prosecution of genocide, accused persons could be extradited and sent abroad for prosecution before the World Court (whose seat is at The Hague in the Netherlands).

Suppose the convicted criminal was not executed but merely sentenced to prison. All private persons and public officials who participated in his arrest, trial, and incarceration could be prosecuted under Provision (b) of Article II of the Genocide Convention — for having caused, or helped cause, "serious bodily or mental harm" to a member of a "national, ethnical, racial, or religious group."

Speaking or writing critically of anyone identifiable as a member of a group mentioned in the Genocide Convention could be construed as causing mental harm, thus constituting the crime of genocide. Practically every communist in the world could identify himself as a member of one or more of the groups protected by the Genocide Convention. Hence, any American who criticized Castro, Gus Hall, Kosygin, or any other communist anywhere, could be prosecuted for genocide.

Criticizing agitators who are creating criminal anarchy and trying to incite racial civil war in the United States could be construed as genocide.

Many passages in the Bible are critical of specific racial or religious groups. Conceivably, any person quoting such Scripture could be prosecuted for genocide.

Some 20 states in our union have sterilization laws, giving courts authority to order sterilization in lieu of prison sentences for lawbreakers who are feeble-minded or otherwise unfit for procreating normal children.[3] All officials acting under terms of these laws could be prosecuted under Provision (d) of Article II of the Genocide Convention, for "imposing measures intended to prevent births" within one of the groups protected by the treaty. The same charges could be brought against all who help provide birth-control instructions, devices, or medicines to members of groups specified in the Genocide Convention.

You think none of this could happen here? Consider something that has happened. Shortly after the UN General Assembly passed the Genocide Convention in 1948, the Civil Rights Congress (a notorious communist front in the United States) made a formal complaint before the United Nations, accusing the United States of Negro genocide, charging the United States with willful creation of conditions making for premature death, poverty, and disease among Negroes — because some Negroes live in slums! No action was ever taken on the ludicrous complaint; but the fact of its filing is a grim harbinger of things to come if the Senate ever ratifies the Genocide Convention.

The Genocide Convention grew out of the war crimes trials against nazi leaders following World War II. Ostensibly, these trials proved that nazis had systematically murdered millions of Jews in an effort to eradicate Jews as a racial and religious group. Presumably, the Convention is intended to outlaw such horrible practice.

All communist delegates in the UN voted for passage of the Genocide Convention in 1948 —

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all signed it and formally ratified it. Yet, the communists had more genocidal blood on their hands than nazis ever had. To solidify their dictatorship in Russia, the Soviets exterminated millions of individuals. To prepare for postwar conquest and control of Poland, the Soviets committed the Katyn Forest massacres, which wiped out a substantial portion of the officer and leadership classes in Poland. Mass murders for political reasons are standard practice in communist countries, but they are not punishable under the Genocide Convention.

The Genocide Convention does not protect economic and political groups. Communist governments do not murder people for "national, ethnical, racial, or religious" reasons: they commit mass murders as punishments for what they call political and economic crimes. Hence, the murders are not genocide, as defined in the Genocide Convention. Moreover, communist countries are closed societies — which means that information leading to charges of genocide against individuals or government officials in communist countries is not available, as it is in nations where there is some freedom of press and freedom of speech.

The upshot is that the UN treaty to outlaw genocide exempts communist governments — the only entities in the world which actually exterminate whole groups of people. Hence, it is easy to see why communist governments support the Convention. It in no way affects their bloody pogroms against their own people; but it could, if the United States became a party to it, give communists — and all other American-haters in foreign lands — the color of international law for intervening in our domestic affairs and punishing American individuals who incur the wrath of the enemies of our country.

The UN and its various commissions and specialized agencies have fabricated scores of conventions which our State Department has submitted, or eventually will submit, to the U.S. Senate for ratification as treaties. The Genocide Convention is probably the worst of the lot; but all rest on two basic, world-government concepts: (1) that a nation's treatment of its own people is no longer that nation's exclusive concern but is a matter of international concern; and (2) that individuals are responsible to a higher political authority than that of their own nation.

These concepts are alien to and destructive of American principles of government. Our federal and state constitutions prescribe the relationship between government and the people in the United States; and they provide all necessary authority for laws governing the relationships of the people with one another. By becoming a party to UN conventions and treaties, our federal government substitutes, for our own Constitution, documents written by international communists and socialists, transferring authority over the American people from their own government to international agencies.

Please write both U.S. Senators from your State, saying, in your own words, something like this:

Ambassador Goldberg says the Johnson administration will press for immediate Senate ratification of the UN Genocide Convention. I implore you to help defeat ratification — not only of the Genocide Convention but of all other UN "human rights" conventions.

SUGGESTION: Put copies of this *Report* in your barber shop, beauty parlor, doctor's office, laundromat; and distribute it among friends and acquaintances.

FOOTNOTES

(1) Article by Irving Spiegel, *The New York Times*, May 13, 1966, p. 18

(2) *The Crime of Genocide*, United Nations Publication Sales Number 59.1.3

(3) "The Law: 'Sterilization or Jail'," by Fred P. Graham, *The New York Times*, May 29, 1966, Sec. 4, p. 8

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